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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,756	07/14/2003	Asaf Levi	2808/13	3163
7590	01/04/2005		EXAMINER	
DR. MARK FRIEDMAN LTD. c/o Bill Polkinghorn Discovery Dispatch 9003 Florin Way Upper Marlboro, MD 20772			RAYMOND, EDWARD	
			ART UNIT	PAPER NUMBER
			2857	
			DATE MAILED: 01/04/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/617,756	LEVI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Edward Raymond	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 December 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-6 and 10-12 is/are rejected.  
 7) Claim(s) 7,8 and 13-16 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 14 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-6 and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Risan et al.**

Risan et al. teaches a method for indicating integrity of use-information of a program on a computer (Claim 1: see paragraph 15), comprising: (a) providing a mechanism based on a state of a marker file accessible by the computer (Claim 1: see paragraphs 15, 47 and 58; The Examiner notes that the referenced media is equivalent to the marker file), for generating upon request an asymmetric, pseudo- unique value (Claim 1: see paragraphs 67 and 68; The Examiner notes that unique value is equivalent to the specific values in the cookie file), said mechanism returning upon request said value that was most recently generated by said mechanism (Claim 1: see paragraph 329); (b) instructing said mechanism to generate a said value (Claim 1: see paragraph 67); (c) sealing the use-information with said generated value (Claim 1: see paragraph 72; The Examiner notes that the step of sealing the user-information is equivalent to the encrypting performed by CCM); and (d) indicating the integrity of the

use-information by a correspondence of said sealed value with a current value returned by said mechanism (Claim 1: see paragraph 337).

Risan et al. teach a method wherein said generated value is derived at least from a file ID of said marker file (Claim 2: see paragraph 67).

Risan et al. teach a method wherein said generated value is derived at least from a physical location of said marker file (Claim 3: see paragraph 156).

Risan et al. teach a method wherein said physical location of said marker file is derived from a number of a sector of said marker file (Claim 4: see paragraph 216: The Examiner notes that the number of a sector is derived in the C++ code).

Risan et al. teach a method wherein said physical location of said marker file is derived from a number of a cluster of said marker file (Claim 5: see paragraph 216: The Examiner notes that the number of a cluster is derived in the C++ code).

Risan et al. teach a method wherein said sealing is carried out by an operation comprising storing said use-information with said current value returned by said mechanism in an encrypted form (Claim 6: see paragraph 50) and storing out of the reach of a hacker said use-information with said current value returned by said mechanism (Claim 6: see paragraph 275).

Risan et al. teach a method wherein said use-information is used in a license model in which usage information of the program is involved (Claim 9: see paragraph 61).

Risan et al. teach a method wherein said sealing of said use-information with the generated value is carried out at a stage a start of an execution of the program, a

termination of said execution of the program, during said execution of the program, while the program is idle, and periodically (Claim 10: see paragraphs 72 and 73).

Risan et al. teach a method wherein said indicating the integrity of the use-information is carried out at a stage a start of an execution of the program, a termination of said execution of the program, during said execution of the program, while the program is idle, and periodically (Claim 11: see paragraph 96).

Risan et al. teach a method wherein said sealed information is stored in at least one file, at least one marker file, and at least one registry entry (Claim 12: see paragraph 50).

#### ***Allowable Subject Matter***

3. **Claims 7, 8, and 13-16** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Merkle, Jr. et al. teach systems and methods for the prevention of unauthorized use and manipulation of digital content. Tadayon et al. teach a system and method for expressing usage rights with sound signals.

#### ***Contact Information***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Raymond whose telephone number is 571-272-

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2221. The examiner can normally be reached on Monday through alternating Friday between 8:00 AM and 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-2221 for regular communications and 571-272-1562 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.



December 29, 2004

Edward Raymond

Patent Examiner

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